

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket: LP-1825

Applicant : ARMBRUSTER et al.  
Serial No. : 09/868,941  
Filed : July 16, 2001  
For : PROCESS FOR PREPARING 1-(6-METHYLPYRIDIN-3-YL)-2-[4-(METHYLSULFONYL)PHENYL]ETHANONE

**Petition Under Rule 181/182 To Accept As True Copies Of Documents**  
**Filed By Certificate Of Mailing (Rule 8)**

ATTN: PCT Legal  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition under Rule 181/182 for acceptance of the copy of the following attached documents as being true copies of the following attached documents (that were filed by certificate of mailing):

- (1) Executed Declaration For Utility Or Design Patent Application (37 CFR 1.630) of  
Erich Armbruster
- (2) Executed Declaration For Utility Or Design Patent Application (37 CFR 1.630) of  
Yves Bessard
- (3) Executed Declaration For Utility Or Design Patent Application (37 CFR 1.630) of  
David Kuo
- (4) Executed Declaration For Utility Or Design Patent Application (37 CFR 1.630) of  
James Leresche
- (5) Executed Declaration For Utility Or Design Patent Application (37 CFR 1.630) of Ralf  
Proplesch
- (6) Executed Declaration For Utility Or Design Patent Application (37 CFR 1.630) of  
Jean-Paul Roduit

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**RECEIVED**  
**09 SEP 2003**  
Leger Stett  
International Division

Petition  
Serial No. 09/868,941

(7) Our Response to the Notification of Missing Requirements with Certificate of Mailing

The undersigned attorney states that the attached copies are true copies of the six executed declarations filed by certificate of mailing, and were timely filed.

Enclosed is the statement of Ben Danford that he personally executed the certificate of mailing and that the certificate of mailing and the attached six executed declarations were timely mailed on the same date.

Also enclosed is a true copy of the Response To The Notice of Missing Requirements. The Certificate of Mailing (executed by Ben Danford) is located on page 2 of the Response. (A copy of the Notice of Missing Requirements is further enclosed). Applicants also petition for acceptance as a true copy the enclosed copy of the Response to the Notice of Missing Requirements. The undersigned attorney states that the attached copies are true copies of the Response to the Notice of Missing Requirements. This petition is filed promptly after becoming aware that the Patent Office apparently has no evidence of receipt of the documents filed by certificate of mailing.

If any fees are due upon the filing of this paper, please charge Deposit Account No. 06-1110. A duplicate of this Petition is attached for such purpose.

Respectfully submitted,

9/9/03  
Date

Kara M. Armstrong  
Kara M. Armstrong  
Reg. No.: 38,234

Fisher, Christen & Sabol  
Suite 1108  
1725 K Street, N.W.  
Washington, D.C. 20006  
Tel.: (202) 659-2000  
Fax: 202 659-2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: LP-1825

Applicant : ARMBRUSTER et al.  
Serial No. : 09/868,941  
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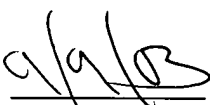
**ATTACHMENT TO PETITION UNDER RULE 181/182**


ATTN: PCT Legal  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Ben Danford, state that on January 14, 2002, I executed the certificate of mailing on page 2 of the Response To The Notice of Missing Requirements and that I have a personal knowledge basis that the Response To The Notice of Missing Requirements and the six attached executed declarations were mailed on January 14, 2002.

Respectfully submitted,

  
Date

  
Ben Danford

Fisher, Christen & Sabol  
Suite 1108  
1725 K Street, N.W.  
Washington, D.C. 20006

Tel.: (202) 659-2000  
Fax: 202 659-2015

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Sir:

By placing your receiving date stamp hereon and mailing, kindly acknowledge receipt of:

Transmittal letter (in duplicate) with certificate of mailing, six executed declarations (one for each inventor), a copy of the notification of missing parts, a check in the amount of one hundred thirty dollars (\$130.00), copies of two extensions of time for:

*RECEIVED* 01 FEB 2002

Applicant: ARMIRLUSTER et al.

Serial No.: 09/868,941

Filed: July 16, 2001

For: PROCESS FOR PREPARING 1-(METHYLPYRIDIN-3-YL)-2-  
(METHYLSULFONYL)PHENYLETHANONE

Sent by Certificate of Mailing on January 14, 2002  
L.P. 1825 - January 14, 2002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: L.P. 1825

Applicant : ARMBRUSTER et al.  
Serial No. : 09/868,941  
Filed : July 16, 2001  
For : PROCESS FOR PREPARING 1-(6-METHYLPYRIDIN-3-YL)-2-[4-(METHYLSULFONYL)PHENYL]ETHANONE

In Response To The Notification Of Missing Requirements Under 35, U.S.C. 371 In The United States/Elected Office (DO/EO/US)

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response the Notification Of Missing Requirements Under 35, U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US), please find enclosed the following:

- (1) Six Executed Declarations (one for each inventor).
- (2) A copy of the Notification Of Missing Requirements Under 35, U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US).
- (3) A check in the amount of one hundred and thirty dollars (\$130.00).
- (4) Copies of the Extensions of Time
- (5) A return receipt postcard.

Applicants have filed a first request for a three-month extension of time and a second request for a one-month extension of time. (A copy of both requests is enclosed.)

The English-language translation of the International application filed on July 26, 2001 was incorrect. Applicants have enclosed a new English-language translation of the International Application as filed. Please substitute the new translation for the prior translation.

We have not received a Notice Of Missing Requirements regarding the translation.

In the event of any discrepancies regarding the fee, the Assistant Commissioner for Patents is hereby authorized to charge any fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper to Deposit Account No. 06-1110, a duplicate is attached for this purpose.

**BEST AVAILABLE COPY**


Respectfully submitted,

*Virgil H. Marsh*

Virgil H. Marsh  
Reg. No.: 23,083

Date Jan. 14, 2002

Fisher, Christen & Sabol  
Suite 1401  
1725 K Street, N.W.  
Washington, D.C. 20006  
Tel.: (202) 659-2000  
Fax: (202) 659-2015

<p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence dated <u>Jan 14 2002</u> is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Parents, Washington, D.C. 20231 on <u>Jan 14 2002</u></p> <p> FISHER, CHRISTEN &amp; SABOL 1725 K Street, N.W. Suite 1401 Washington, D.C. 20006</p>
--

**DECLARATION FOR UTILITY OR DESIGN  
PATENT APPLICATION  
(37 CFR 1.630)**

☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

Attorney Docket Number: L.P. 1825  
First Named Inventor: Erich Armbruster  
Application Number: 09/868,941  
Filing Date: July 16, 2001

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I verily believe I am the original first and joint inventor together with **Yves Bessard, David Kuo, James E. Leresche, Ralf Proplesch and Jean-Paul Roduit** of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PROCESS FOR PREPARING 1-(6-METHYLPYRIDIN-3-YL)-2-[(4-METHYLSULFONYL)PHENYL]ETHANONE**

the specification of which was filed on (07/16/2001) as United States Application Number 09/868,941.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent,

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inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

<u>Prior Foreign Application Number(s)</u>	<u>Country</u>	<u>Foreign Filing Date (MM/DD/YYYY)</u>	<u>Priority Not Claimed</u>	<u>Certified Copy Attached Yes or No</u>
99100590.1	Europe	01/14/1999		X
PCT/EP00/00240	International	01/13/2000		X

Direct all correspondence to:

Name: Fisher, Christen and Sabol  
Address: 1725 K Street, N.W., Suite 1725  
City: Washington D.C. 20006  
Country: United States  
Telephone: 202) 659-2000  
Fax: 202) 659-2015

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF JOINT INVENTOR:**

Given Name: Erich  
Family Name: ARMBRUSTER

Inventor's Signature: Erich Armbuster

Date: Nov, 23<sup>rd</sup> 2001

Residence: Naters  
Country: Switzerland  
Citizenship: Swiss  
Mailing Address: Furkastrasse 64  
Naters, CH-3904  
Switzerland

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**DECLARATION FOR UTILITY OR DESIGN  
PATENT APPLICATION  
(37 CFR 1.630)**

☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

**Attorney Docket Number:** L.P. 1825  
**First Named Inventor:** Erich Armbruster  
**Application Number:** 09/868,941  
**Filing Date:** July 16, 2001

As the below named inventor, I hereby declare that:

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I verily believe I am the original first and joint inventor together with **Erich Armbruster, David Kuo, James E. Leresche, Ralf Proplesch and Jean-Paul Roduit** of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PROCESS FOR PREPARING 1-(6-METHYLPYRIDIN-3-YL)-2-[(4-(METHYLSULFONYL)PHENYL)ETHANONE**

**the specification of which was filed on (07/16/2001) as United States Application Number 09/868,941.**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent,

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PCT/EP00/00240	International	01/13/2000		X

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Name: Fisher, Christen and Sabol  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF JOINT INVENTOR:**

Given Name: Yves  
Family Name: BESSARD

Inventor's Signature: \_\_\_\_\_

Date: 26 November 2001

Residence: Sierre  
Country: Switzerland  
Citizenship: Swiss  
Mailing Address: Rothom 14  
Sierre, CH-3960  
Switzerland

**DECLARATION FOR UTILITY OR DESIGN  
PATENT APPLICATION  
(37 CFR 1.630)**

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**Attorney Docket Number:** L.P. 1825  
**First Named Inventor:** Erich Armbruster  
**Application Number:** 09/868,941  
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**NAME OF JOINT INVENTOR:**

Given Name: David  
Family Name: KUO

Inventor's Signature: 

Date: Dec 2, 2001

Residence: Radnor, Pennsylvania  
Country: United States  
Citizenship: United States  
Mailing Address: 651 Limehouse Road  
Radnor, Pennsylvania 19057  
United States

**DECLARATION FOR UTILITY OR DESIGN  
PATENT APPLICATION  
(37 CFR 1.630)**

☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

**Attorney Docket Number:** L.P. 1825  
**First Named Inventor:** Erich Armbruster  
**Application Number:** 09/868,941  
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**NAME OF JOINT INVENTOR:**

Given Name: James E.  
Family Name: LERESCHE

Inventor's Signature: \_\_\_\_\_

Date: 23.11.01

Residence: Visp  
Country: Switzerland  
Citizenship: Swiss  
Mailing Address: Kleegartenstrasse 25  
Visp, CH-3930  
Switzerland

**DECLARATION FOR UTILITY OR DESIGN  
PATENT APPLICATION  
(37 CFR 1.630)**

☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

:

**Attorney Docket Number:** L.P. 1825  
**First Named Inventor:** Erich Armbruster  
**Application Number:** 09/868,941  
**Filing Date:** July 16, 2001

As the below named inventor, I hereby declare that:

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I verily believe I am the original first and joint inventor together with **Erich Armbruster, Yves Bessard, David Kuo, James E. Leresche, and Jean-Paul Roduit** of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PROCESS FOR PREPARING 1-(6-METHYLPYRIDIN-3-YL)-2-[(4-(METHYLSULFONYL)PHENYL)JETHANONE**

**the specification of which was filed on (07/16/2001) as United States Application Number 09/868,941.**

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**NAME OF JOINT INVENTOR:**

Given Name: Ralf  
Family Name: PROPLESCH

Inventor's Signature: \_\_\_\_\_

Date: 3.12.01

Residence: Eyholz  
Country: Switzerland  
Citizenship: German  
Mailing Address: Walligrundstrasse 21  
Eyholz, CH-3931  
Switzerland



**DECLARATION FOR UTILITY OR DESIGN  
PATENT APPLICATION  
(37 CFR 1.630)**

☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

**Attorney Docket Number:** L.P. 1825  
**First Named Inventor:** Erich Armbruster  
**Application Number:** 09/868,941  
**Filing Date:** July 16, 2001

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I verily believe I am the original first and joint inventor together with **Erich Armbruster, Yves Bessard, David Kuo, James E. Leresche, and Ralf Proplesch** of the subject matter which is claimed and for which a patent is sought on the invention entitled:

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99100590.1	Europe	01/14/1999		X
PCT/EP00/00240	International	01/13/2000		X

Direct all correspondence to:

Name: Fisher, Christen and Sabol  
Address: 1725 K Street, N.W., Suite 1725  
City: Washington D.C. 20006  
Country: United States  
Telephone: 202) 659-2000  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF JOINT INVENTOR:**

Given Name: Jean-Paul  
Family Name: Roduit

Inventor's Signature: Jean-Paul Roduit

Date: Nov. 23, 2001

Residence: Grone  
Country: Switzerland  
Citizenship: Swiss  
Mailing Address: Grone, CH-3979  
Switzerland

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: L.P. 1825

Applicant : ARMBUSTER et al.  
Serial No. : 09/868,941  
Filed : July 16, 2001  
For : PROCESS FOR PREPARING 1-(6-METHYLPYRIDIN-3-YL)-2-[4-(METHYLSULFONYL)PHENYL]ETHANONE

REQUEST FOR EXTENSION OF TIME

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

It is respectfully requested that the time for filing an executed declaration, in response to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35, U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US), which expires December 14, 2001, be extended for one additional month to and including **January 14, 2001**.

This is the fourth request for an extension of time. A check in the amount of \$500.00 is attached. In the event of any discrepancies regarding the fee, the Assistant Commissioner for Patents is hereby authorized to charge any fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper to Deposit Account No. 06-1110. This request is submitted in duplicate.

Respectfully submitted,

*Kara M. Armstrong*  
Kara M. Armstrong  
Reg. No.: 38,234

Date 12/14/01

Fisher, Christen & Sabol  
Suite 1401  
1725 K Street, N.W.  
Washington, D.C. 20006  
Tel.: (202) 659-2000  
Fax: (202) 659-2015

CERTIFICATE OF MAILING

I hereby certify that this correspondence dated 12/14/01 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on 12/14/01

*Kara M. Armstrong*  
FISHER, CHRISTEN & SABOL  
1725 K Street, N.W.  
Suite 1401  
Washington, D.C. 20006

21911

FISHER, CHRISTEN & SABOL

1725 K STREET, NW  
WASHINGTON, DC 20006

15-3 00023  
540  
01067486

DATE

PAY  
TO THE  
ORDER OF

COMMISSIONER OF PATENTS

\$

DOLLARS

*Christen & Sabol*



20th and L Office  
Washington, DC 20036 5090

*Virgil H. March*

FOR DEPOSIT ONLY

⑈00021911⑈ ⑆054000030⑆ 01067486⑈

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

By placing your receiving date stamp hereon and mailing, kindly acknowledge receipt of:  
Request For Extension Of Time to respond to a Notice Of Missing Parts (with certificate of mailing) in duplicate, a copy of the Notification of Missing Requirements Under 35, U.S.C. 371 In the United States Designated/Elected Office (DO/EOLUS) and a check in the amount eight hundred and ninety dollars (\$890.00), for:

Applicant: ARMBUSTER et al.

Serial No.: 09/868,941

Filed: July 16, 2001

For: PROCESS FOR PREPARING 1-(6-METHYLPYRIDIN-3-YL)-2-[4-(METHYLSULFONYL)PHENYL]ETHANONE

Sent by Certificate of Mailing on December 10, 2001  
L.P. 1825 - Due on September 14, 2001.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: L.P. 1825

Applicant : ARMBUSTER et al.  
Serial No. : 09/868,941  
Filed : July 16, 2001  
For : PROCESS FOR PREPARING 1-(6-METHYLPYRIDIN-3-YL)-2-[4-(METHYLSULFONYL)PHENYL]ETHANONE

REQUEST FOR EXTENSION OF TIME

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

It is respectfully requested that the time for filing an executed declaration, in response to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35. U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US), which expires September 14, 2001, be extended for three additional months to and including **December 14, 2001**.

This is the first, second and third request for an extension of time. A check in the amount of \$890.00 is attached. In the event of any discrepancies regarding the fee, the Assistant Commissioner for Patents is hereby authorized to charge any fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper to Deposit Account No. 06-1110. This request is submitted in duplicate.

Respectfully submitted,

*Virgil H. Marsh*

Virgil H. Marsh  
Reg. No.: 23, 083

Date Dec. 10, 2001

Fisher, Christen & Sabol  
Suite 1401  
1725 K Street, N.W.  
Washington, D.C. 20006  
Tel.: (202) 659-2000  
Fax: (202) 659-2015

CERTIFICATE OF MAILING

I hereby certify that this correspondence dated Dec. 10, 2001 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on Dec. 10, 2001

*[Signature]*  
FISHER, CHRISTEN & SABOL

1725 K Street, N.W.  
Suite 1401  
Washington, D.C. 20006

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

By placing your receiving date stamp hereon and mailing, kindly acknowledge receipt of:

A new National Stage Application based on PCT/EP00/002240,  
Unexecuted declaration, preliminary amendment, the Foreign Countries  
application, and other papers and a check for \$1000.00 for:

Applicant: ARMBUSTER et al.

Serial No.: Nat'l stage of PCT/EP00/00240

Title: PROCESS FOR PREPARING 1-(6-METHYLPYRIDIN-3-  
YL)-2-[4-(METHYLSULPHONYL)PHENYL]ETHANONE

Handcarried to PTO on July 16, 2001  
LP-1825 - due July 14, 2001

21776

FISHER, CHRISTEN & SABOL

1725 K STREET, NW  
WASHINGTON, DC 20006

PAY  
TO THE  
ORDER OF

COMMISSIONER OF PATENTS.

*One thousand and no/100*

DOLLARS

\$

DATE *July 10, 2001*

15-300023  
540  
01067466



20th and L Office  
Washington, DC 20038-5090

FOR *ATM-1825, PCT/EP00/002240 New Nat'l Application*

11000021776 10540000301 01067466

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Sir:

By placing your receiving date stamp hereon and mailing, kindly acknowledge receipt of:

Transmittal letter (in duplicate) with certificate of mailing, six executed declarations (one for each inventor), a copy of the notification of missing parts, a check in the amount of one hundred thirty dollars (\$130.00), copies of two extensions of time for:

Applicant: ARMBRUSTER et al.  
Serial No.: 09/868,941  
Filed: July 16, 2001

For: PROCESS FOR PREPARING 1-(METHYLPYRIDIN-3-YL)-2-  
(METHYLSULFONYL)PHENYLJETHANONE

Sent by Certificate of Mailing on January 14, 2002  
L.P. 1825 - January 14, 2002



Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

By placing your receiving date stamp hereon and mailing, kindly acknowledge receipt of:

Transmittal letter (in duplicate) with certificate of mailing, six executed declarations (one for each inventor), a copy of the notification of missing parts, a check in the amount of one hundred thirty dollars (\$130.00), copies of two extensions of time for:

Applicant: ARMBRUSTER et al.

Serial No.: 09/868,941

Filed: July 16, 2001

For: PROCESS FOR PREPARING 1-6(METHYLPYRIDIN-3-YL)-2-[4-(METHYLSULFONYL)PHENYL]ETHANONE

Sent by Certificate of Mailing on January 14, 2002  
L.P. 1825 - January 14, 2002

21947	
FISHER, CHRISTEN & SABOL 1725 K STREET, NW WASHINGTON, DC 20006	
DATE <u>Jan 14 2002</u> 15-3-00023 540 01067486	
PAY TO THE ORDER OF <u>COMMISSIONER OF PATENTS</u> \$ <u>130.00</u>	
<u>David H. Fisher</u> DOLLARS	
FOR <u>09/868,941</u> <u>ARMBRUSTER et al.</u> <u>Legal M. May</u>	
RIGGS 20th and L Office Washington, DC 20036-5090	
⑈00021947⑈ ⑆054000030⑆ 01067486⑈	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: L.P. 1825

Applicant : ARMBRUSTER et al.  
Serial No. : 09/868,941  
Filed : July 16, 2001  
For : PROCESS FOR PREPARING 1-(6-METHYLPYRIDIN-3-YL)-2-[4-(METHYLSULFONYL)PHENYL]ETHANONE

**In Response To The Notification Of Missing Requirements Under 35, U.S.C. 371 In The United States/Elected Office (DO/EO/US)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response the Notification Of Missing Requirements Under 35, U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US), please find enclosed the following:

- (1) Six Executed Declarations (one for each inventor).
- (2) A copy of the Notification Of Missing Requirements Under 35, U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US).
- (3) A check in the amount of one hundred and thirty dollars (\$130.00).
- (4) Copies of the Extensions of Time
- (5) A return receipt postcard.

Applicants have filed a first request for a three-month extension of time and a second request for a one-month extension of time. (A copy of both requests is enclosed.)

The English-language translation of the International application filed on July 26, 2001 was incorrect. Applicants have enclosed a new English-language translation of the International Application as filed. Please substitute the new translation for the prior translation.

We have not received a Notice Of Missing Requirements regarding the translation.

In the event of any discrepancies regarding the fee, the Assistant Commissioner for Patents is hereby authorized to charge any fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper to Deposit Account No. 06-1110, a duplicate is attached for this purpose.

Respectfully submitted,

*Virgil H. Marsh*

Virgil H. Marsh  
Reg. No.: 23,083

Date Jan. 14, 2002

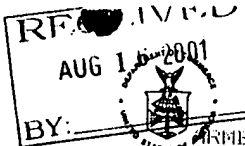
Fisher, Christen & Sabol  
Suite 1401  
1725 K Street, N.W.  
Washington, D.C. 20006  
Tel.: (202) 659-2000  
Fax: (202) 659-2015

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence dated  
Jan 14, 2002 is being deposited with the United  
States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, Washington, D.C. 20231 on  
Jan 14, 2002

*Christen Fisher*

FISHER, CHRISTEN & SABOL  
1725 K Street, N.W.  
Suite 1401  
Washington, D.C. 20006



## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

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Box PCT

Washington, D.C. 20231

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L.P. 1825

07/0601, 941

BY:

STATE OF VIRGINIA

REGISTER

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

5071

PCT/EP00/00240

INTERNATIONAL APPLICATION NO.

VIRGIL H MARSH  
FISHER CHRISTEN & SABOL  
SUITE 1401  
1725 K STREET N W  
WASHINGTON DC 20036

I.A. FILING DATE 1/13/PRIORITY DATE 1/14/99

08/14/01

DATE MAILED:

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☒ a non-English language.  
☒ English.

☒ Translation of the international application into English.

☒ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 16 JUL 2001 and \_\_\_\_\_

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. **UNEXEMPTED**

- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3136

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